

5-638582
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MAERSK LINE,

Plaintiff,

- against -

WIT, INC., and BORIS KHURGIN,

Defendants.
-----X

JUDGE SULLIVAN
08 CIV 4965



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendants WIT, INC., and BORIS KHURGIN, in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq.

2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.

3. Upon information and belief and at all times hereinafter mentioned, defendants had and now have the legal status and place of business as set forth in Schedule A.

4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the port of destination and at the agreed charges to be paid by defendants pursuant to plaintiff's published tariff, all as set forth in Schedule A.

5. Thereafter, the goods were carried to the port of destination and delivered to the consignee and/or its agents.

performed by plaintiff.

7. Defendants have failed and refused and continue to fail and refuse to remit payment of \$18,566.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$18,566.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York

May 28, 2008

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By


Albert J. Avalone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

I. Defendant's status & address:

A. Upon information and belief and at all times hereinafter mentioned, defendant WIT, INC. was and still is a non-incorporated company doing business in the State of New York, with offices and a place of business at 175 West 87th Street, #5C, New York, NY 10024.

B. Upon information and belief and at all times hereinafter mentioned, defendant BORIS KHURGIN was and still is a natural person and resident of the State of New York, doing business as WIT, INC., 175 West 87th Street, #5C, New York, NY 10024.

II. Details of shipment(s):

1. Bill of Lading No. MAEU851979468, dated December 13, 2006, from Mishwaka, IN to Tblisi on the Vessel MAERSK NEVADA, two (2) containers SAID TO CONTAIN: PET FOOD, at the applicable tariff charge of \$18,566.00 (Exhibit A).

Amount Paid: \$0

Amount Due: \$18,566.00

III. Total Amount Due: \$18,566.00

Exporter (complete name and address) T INC
ST 87TH STREET
024 NEW YORK
US

Booking No.

851979468

Export references

0611008-09

Forwarding agent - reference

Importer (complete name and address)

T GEORGIA CO. LTD.
MSAKHURDIA AVE. 31
TILISI, 380060
GEORGIA

Port and Country of Origin

Ultimate destination (complete name and address)

Shipper
memoranda
not part of
Bill of Lading

Issued by
Voy No.
RISK NEVADA 0701
Discharge
T
Place of Receipt
MISHAWAKA, IN, US
Port of Loading
GIOIA TAURO
Place of Delivery
TBILISI, GE

Onward inland routing

SHIPPER'S RECEIPT

PARTICULARS FURNISHED BY SHIPPER - CARRIER NOT RESPONSIBLE

or No. (Serial No. and Number)	No. of Containers or bags	Kind of packages, description of goods	Gross Weight	Measurements
U6238671 72965 U5242685 11	2	CY / CY CONT(S) 2417 PCS PET FOODS NO SED REQD AHS XTN201545511-14231 XTN X20061208008335 MSKU6238671 19686.24F NET TTNU5242685 19980K NET	KGS 40924.000	CBM 80.000

RESSED

Charges	Rate	Unit	Freight	Collect
C FREIGHT 2.00*	6000.00	USD	40'	12000.00
ER ADJUST FACTOR	802.00	USD	SURCHARGE	1604.00
ND HAUL. IMPORT	890.00	USD	SURCHARGE	1780.00
ND HAUL. EXPORT	1190.00	USD	SURCHARGE	2380.00
IER SECURITY CHA	6.00	USD	SURCHARGE	12.00
SECURITY CHARGE	5.00	USD	SURCHARGE	10.00
RMOD FUEL CHARGE	150.00	USD	SURCHARGE	300.00
HANDLING CHARGE	200.00	USD	SURCHARGE	400.00
USE CHARGE	40.00	USD		
Total Freight	18566.00	USD		
Total Collect				
Date	DEC 13 06			

JRCE US
Only when documents used
When Transport Bill of Lading

EXHIBIT "A"

MAERSK INC.

As Agent only

DEC 13 2006